

REMARKS

Reconsideration of this application based on the following remarks is respectfully requested.

In the first Official Action of January 2, 2002, the Examiner rejected claims 4-9 and 13-15 under 35 U.S.C. § 112, second paragraph, as being indefinite.

In the Response Under 37 CFR 1.111 filed April 2, 2002, the applicant amended claims 1, 4-10, 13 and 15-16 to more clearly distinguish between *stored* messages and *new* messages.

In the Official Action of July 30, 2002, the Examiner has changed the grounds of rejection of claims 1, 2, 10 and 11 under 35 U.S.C. § 103(a) to being unpatentable over Bennett et al (US 5,965,569 – filed March 14, 1989 – issued October 23, 1990) in view of either Sone (US 5,793,304 – filed July 16, 1996 – issued August 11, 1998) or Burgan et al (US 6,166,621 – filed January 29, 1998 – issued December 26, 2000) or McLaughlin et al. (US 4,975,694 – filed March 14, 1989 – issued December 4, 1990).

The Examiner has likewise changed the grounds of rejection of claims 3 and 12 under 35 U.S.C. § 103(a) to being unpatentable over Bennett in view of either Sone or Burgan et al or McLaughlin et al and further in view of Fennell (US 5,430,436 – filed July 22, 1994 – issued July 4, 1995).

The Examiner also has changed the grounds of rejection of claims 4-9 and 13-18 under 35 U.S.C. § 103(a) to being unpatentable over Bennett in view of either Sone or Burgan et al or McLaughlin et al and further in view of Nakajima (US 4,477,807 – filed June 4, 1982 – issued October 16, 1984).

The Sone, Burgan and McLaughlin references are new references replacing Ohtsuki (US 5,861,818 – filed May 13, 1996 – issued January 19, 1999).

In the instant response, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 103(a) for at least the reasons set forth below.

35 U.S.C. 103(a) Rejections: Claims 1, 2, 10 and 11

Claim 1 generally recites in part in a selective call radio apparatus a method of displaying *stored messages*, which are already received, on a display unit in *a first display attribute* in a message display mode in response to a display instruction and displaying said *new message* on said display unit in *a second display attribute different from said first display attribute when a new message is received during the display of said stored messages*. Similarly, claim 10 generally recites in part a selective call radio apparatus comprising a control unit for displaying *new messages on said display unit in a second display attribute different from said first display attribute when said new message is received by said message receiving unit during the display of said messages*.

As disclosed in the specification, page 3, line 2-20, with respect to conventional selective call radio apparatus, the latest message is suddenly displayed while the user is viewing the messages so that the user cannot distinguish the latest message (i.e., *the new message*) from other messages (i.e., *the stored messages*) so that the user can mistake the latest message for a message received in the past. Also, when the user reads out the next message after the user has viewed the latest message, the first message is displayed again, regardless of whether the user had already viewed the first message.

The applicant had previously argued that neither Bennett nor Ohtsuki teach or suggest altering the presentation, i.e., the display attribute, of the message itself. The applicants also argued that Bennett merely alerts the user of the incoming message (See Fig. 12A, ref. 358, 366, 368). The applicant had also argued that alerting a user of an incoming message, as is done in both Ohtsuki and Bennett, is not the alteration of the presentation (i.e., the display attribute) of the message itself.

The applicant herein reiterates the foregoing arguments with respect to Bennett by directing the Examiner's attention to the fact that in the steps of FIG. 12A of Bennett cited by the Examiner of 356 and 364, the steps direct only "ACTIVATE UNREAD MESSAGE INDICATOR". Therefore, Bennett does not disclose, teach, or suggest in effect the *appearance on the display unit of a first display attribute for the stored messages and of a second display attribute for the*

not claimed
→

new messages, when said new message is received by said message receiving unit during the display of said messages, i.e., in effect the simultaneous appearance of a first display attribute and a second display attribute as recited by claims 1 and 10.

With respect to Sone, column 1, lines 33-36, as cited by the Examiner, Sone discloses only that the paging receiver is provided with a controller which controls the displaying color of a received message depending on the contents of the received message, the elapsed time after the message has been received, or the number of times that the same message is repeatedly received. Therefore, Sone does not disclose, teach or suggest *appearance on the display unit of a first display attribute for the stored messages and of a second display attribute for the new messages, when said new message is received by said message receiving unit during the display of said messages*, as recited by claims 1 and 10.

With respect to Burgan et al, FIG. 6, as cited by the Examiner, Burgan discloses only in step 606 the display of a message highlighting *important information*. Therefore, Burgan does not disclose, teach or suggest *appearance on the display unit of a first display attribute for the stored messages and of a second display attribute for the new messages, when said new message is received by said message receiving unit during the display of said messages*, as recited by claims 1 and 10.

With respect to McLaughlin et al, FIG. 7, as cited by the Examiner, and the disclosure in column 6, line 44, to column 7, line 35, McLaughlin discloses only that the color of an LED is changed based on an address of a received message or a lighting method of a backlight is changed in response to reception of the message. In particular, column 7, lines 28-31, disclose that in an alternate embodiment, the signals of FIG. 7 could drive visual alert means 26 thereby changing the color of an indicator in response to the contents of a message. Therefore, McLaughlin et al does not disclose, teach or suggest *appearance on the display unit of a first display attribute for the stored messages and of a second display attribute for the new messages, when said new message is received by said message receiving unit during the display of said messages*, as recited by claims 1 and 10.

Neither Bennett nor Sone, nor Burgan, nor McLaughlin, taken alone or in combination, disclose teach or suggest *appearance on the display unit of a first display attribute for the stored messages and of a second display attribute for the new messages, when said new message is received by said message receiving unit during the display of said messages*, as recited by claims 1 and 10. Therefore, one of ordinary skill in the art would not be motivated to combine the teachings of Bennett with those of Sone, or Burgan, or McLaughlin to achieve the claimed invention. Even if one of ordinary skill in the art at the time the invention was made were somehow motivated to combine the teachings of Bennett with those of Sone, or Burgan, or McLaughlin, the hypothetical device resulting from such a

combination would not yield the advantages of the present invention recited by claims 1 and 10. As a result, claims 1, 2, 10 and 11 patentably distinguish over Bennett in combination with either Sone, or Burgan, or McLaughlin.

Consequently, the applicant respectfully requests that the Examiner withdraw the rejections of claims 1, 2, 10 and 11.

35 U.S.C. 103(a) Rejections: Claims 3 and 12

In response to the rejections of claims 3 and 12 under 35 U.S.C. § 103(a) to being unpatentable over Bennett in view of either Sone or Burgan et al or McLaughlin et al and further in view of Fennell as disclosing a highlighted display, the applicant maintains that Fennell does not overcome the deficiencies of Bennett in view of either Sone or Burgan or McLaughlin with respect to claims 1 and 10. Therefore, claims 3 and 12 patentably distinguish over Bennett in view of either Sone or Burgan et al or McLaughlin et al and further in view of Fennell. The applicant respectfully requests that the Examiner withdraw the rejections of claims 3 and 12.

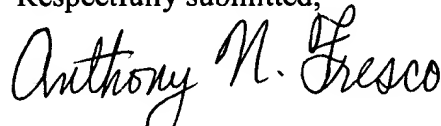
35 U.S.C. 103(a) Rejections: Claims 4-9 and 13-18

In response to the rejection of claims 4-9 and 13-18 under 35 U.S.C. § 103(a) as being unpatentable over Bennett in view of either Sone or Burgan et al or McLaughlin et al and further in view of Nakajima, and the Examiner's assertion that the Abstract of Nakajima et al discloses a paging system where the messages are displayed in a sequential order based upon their arrival and the Examiner's official notice that tracking arrival of time stamps of first in first out (FIFO)

memory are both common in the art to track the arrival sequence of messages, the applicant respectfully maintains that Nakajima relates to a technique for storing a received message in a memory. Nakajima does not overcome the deficiencies of Bennett in view of Sone or Burgan or McLaughlin with respect to claims 1 and 10. Therefore, claims 4-9 and 13-18 patentably distinguish over Bennett in view of Sone or Burgan or McLaughlin and further in view of Nakajima and the Examiner's Official Notice. The applicant respectfully requests that the Examiner withdraw the rejections of claims 4-9 and 13-18.

The foregoing Remarks establish the patentable nature of all of the claims in the application, i.e., claims 1-18. No new matter has been added. In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Anthony N. Fresco
Registration No. 45,784

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, New York 11530
(516)742-4343/4366 FAX

ANF:yd